

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

Case No. 1:08-CV-02755

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VIDEOCONFERENCE DEPOSITION OF: ROSS ELLIOTT - April 3, 2012

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HODELL-NATCO INDUSTRIES, INC.,

Plaintiff,

v.

SAP AMERICA, INC., et al.,

Defendants.

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PURSUANT TO NOTICE, the videoconference deposition of ROSS ELLIOTT was taken on behalf of the Plaintiff at 90 South Cascade Avenue, Suite 1000, Colorado Springs, Colorado 80903, on April 3, 2012, at 9:05 a.m., before Jennifer Windham, Certified Shorthand Reporter and Notary Public within Colorado.

A P P E A R A N C E S

For the Plaintiff:

P. WESLEY LAMBERT, ESQ.  
Koehler Neal, LLC  
Erievue Tower 3330  
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For the Defendants SAP America, Inc., and SAP A.G.:

MACAVAN A. BAIRD, ESQ.  
Drinker Biddle & Reath, LLP  
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Philadelphia, Pennsylvania 19103

For the Defendant LSi-Lowery, Inc.:

ROY A. HULME, ESQ.  
Reminger  
1400 Midland Building  
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Cleveland, Ohio 44115

For the Deponent:

JONATHAN S. BENDER, ESQ.  
Holland & Hart, LLP  
555 17th Street  
Suite 3200  
Denver, Colorado 80202

Also Present:

Doris Silva

1 Q. Could you just briefly summarize your  
2 current job title and job responsibilities?

3 A. Yeah. I am executive vice president and  
4 chief technology officer of Accellos, and at that job,  
5 I'm responsible for the product direction of our  
6 software solutions.

7 Q. How long have you been in that position?

8 A. Since we started the company in 2006.

9 Q. Would you classify your job  
10 responsibilities as being more on the technical side  
11 of things or on the sales side?

12 A. Technical.

13 Q. Technical?

14 A. Technical. Definitely.

15 Q. It's my understanding that Radio Beacon  
16 was purchased by Accellos at some point in the last  
17 few years?

18 A. We bought Radio Beacon on September 30  
19 of 2006.

20 Q. So you were not with Radio Beacon prior  
21 to 2006?

22 A. Correct.

23 Q. Can you just briefly describe for the  
24 record what Radio Beacon's products or service is?

25 A. Radio Beacon when we bought it was a

1 warehouse management system designed to automate the  
2 accurate capture and movement of goods in a warehouse.

3 Q. Is that still the function it performs  
4 or have you changed since then?

5 A. Well, it's been expanded since then, but  
6 that's fundamentally still the function that it  
7 performs. And the Radio Beacon --

8 Q. Is that the function -- okay. Is that  
9 the function that it was designed to perform during  
10 all times you were involved with the Hodell project?

11 A. Yes.

12 Q. Do you have any professional  
13 certifications or licenses?

14 A. No.

15 Q. Have you ever heard of SAP Business One?

16 A. Yes.

17 Q. Is that a piece of software that you  
18 encounter frequently in your job?

19 A. We are SAP Business One partners, so we  
20 have -- we do see them from time to time through our  
21 business enterprises.

22 Q. When you say "partner," does that mean  
23 you're a reseller of SAP Business One?

24 A. No. We are what they call a solution  
25 provider.

1 Q. What does that mean?

2 A. That means we build software that works  
3 alongside of SAP Business One. We do not resell it.

4 Q. What other pieces of software have you  
5 built that incorporate or work alongside of Business  
6 One?

7 MR. BENDER: Object to the form. Go  
8 ahead.

9 A. The -- the warehouse management suite is  
10 the product that we offer through the SAP channel.

11 Q. (BY MR. LAMBERT) So Radio Beacon, is  
12 that what you're referring to?

13 A. The product formerly known as Radio  
14 Beacon, correct.

15 Q. Okay. It goes by a different name now.

16 A. It goes by the name of Accellos One  
17 Warehouse today.

18 Q. When did that switch?

19 A. Probably 2007, late 2007, early 2008.

20 Q. And that's the only product that you're  
21 aware of that Accellos works with to incorporate into  
22 Business One?

23 A. Yes.

24 Q. Has Accellos ever been a reseller of SAP  
25 Business One?